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#### REMARKS

By the present amendment, claim 1 has been amended to include the limitations of claim 2 which has been cancelled. Claim 3 has been amended to depend from claim 1. Claim 17 has been amended to include the limitations of claim 18. Claim 22 has been cancelled and claim 20 has been amended to add the limitations of claim 22. Claim 23 has been amended to depend from claim 31. Claim 24 has been cancelled. Claim 25 has been amended to depend from new claim 31 and has further been amended to describe the canister which was set forth in cancelled claim 24. No new matter was added to this claim because the canister limitations are generic to well known canisters and a canister is disclosed in Applicants' disclosure as filed, including Figure 23 and the description relating thereto. Claim 26 has been amended to depend from new claim 31.

New claim 27 is patterned after claims 2 and 4 to some extent but without all of the limitations of claims 1 and 2. New claim 28 is patterned after allowed claim 9 but differs from claim 9 in several respects for purposes of clarity and removal of unnecessary limitations. Claims 10-12 have been amended to depend from claim 28. Claims 6-9 have been cancelled. Further, the remaining independent claims have been amended to change the term "dispensing nozzle" to --fluid dispenser-- to clarify that the dispenser can be a fluid distribution bar as well as a spray nozzle, both of which are well known fluid dispensers in the extraction cleaner art.

New claim 29 is patterned after allowed claim 13 with some changes to reflect clarity. Claim 13 has been cancelled. Claim 14 has been amended to be dependent on new claim 29. Claim 30 has been patterned after allowed claim 15 and written in independent form. Claim 31 is similar to claim 29 but with somewhat different temperature parameters. Claims 13, 15, and 18 have been cancelled.

#### Claim Rejections – 35 USC § 112

In the Office Action, the Examiner has rejected claims 24 and 25 under 35 U.S.C. § 112 because of the term "the cleaning module" in claim 24 was said to lack antecedent basis. Claim

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24 has been cancelled and claim 25 has been amended to define a canister extractor with a wand. It is believed that these amendments overcome the Examiner's objections.

### Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-8, and 16-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Trautloff et al. U.S. Patent No. 5,657,509 in view of the Gurstein et al. U.S. Patent No. 5,287,588. This rejection is respectfully traversed.

The Trautloff et al. '509 patent discloses a canister extractor wherein an inline heater is provided between a solution tank and a wand. The Gurstein et al. '588 patent is cited to show a heat exchanger for use in combination with an extractor between a fluid supply and a wand wherein the heat exchanger is formed by coiling a copper conduit around a heating element and "encasing the heating element and coil in an aluminum casing and placing the same inside the housing".

The combination of Trautloff et al. '509 and Gurstein et al. '588 is traversed. There is no basis for the alleged combination. The inline heater of Trautloff et al. '509 is integrated in a stand alone canister machine whereas the Gurstein et al. '588 heat exchanger is said to be an independent heat exchanger that is used downstream of a machine for cleaning upholstery and carpets. Unheated detergent water from the cleaning machine passes through a hose and then through the heat exchanger where it is heated to an elevated temperature. The heated cleaning solution then passes to the cleaning nozzle where it is discharged. It is also noted that the heating element in the Gurstein et al. '588 patent is powered through an independent connection to an electrical outlet. On the other hand, it appears that the Trautloff et al. '509 heater is integrated with the electrical power to the extraction machine because there appears to be only a single electrical cord 65 (FIG. 4) to carry electrical power from a convenience outlet to the extractor. For this reason, it would not appear that the Gurstein et al. '588 heat exchanger can not be freely substituted for the Trautloff et al. '509 heat exchanger.

However, even if the alleged combination of Trautloff et al. '509 and Gurstein et al. '588 were to be made, however untenably, it still would not reach Applicants' claimed invention. At

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best, the alleged combination would place the Gurstein et al. '588 heat exchanger in the Trautloff et al. '509 cleaning machine in lieu of the heat exchanger 85 of Trautloff et al. '509. This alleged combination would not reach Applicants' claimed invention.

Claim 1 as amended distinguishes over this alleged combination in calling for a heat exchanger designed to store heat energy during dry cycles so that there is sufficient heat energy to heat the cleaning fluid to a temperature in the range of 130-180°F during a wet cycle when the cleaning fluid is flowing at a predetermined rate. This concept is not disclosed in the alleged combination of Trautloff et al. '509 and Gurstein et al. '588 as the Examiner has acknowledged in the Office Action.

Claims 3-5 depend from claim 1 and distinguish over the alleged combination of Trautloff et al. '509 in view of Gurstein et al. '588 in the same manner as claim 1.

Claim 16 also depends from claim 1 and defines over the alleged combination in the same manner as claim 1.

Claim 17 is an independent claim which calls for a unitary portable surface cleaning machine that includes a fluid dispensing system, a fluid recovery tank, a suction nozzle, a working air conduit, and a vacuum source. Claim 17 further calls for a heat exchanger including an electrical heating element associated with the fluid supply conduit for heating the cleaning fluid in the fluid supply conduit and a storage body for storing heat energy from the electrical heating element wherein the electrical heating element and the storage body are adapted to continuously supply about 500 watts of power from an ordinary 120 volt line. Further, claim 17 calls for the heating element and vacuum source to be connected to a common electrical input and both are adapted to be powered by a common 120 volt power line. The alleged combination of Trautloff et al. '509 and Gurstein et al. '588 does not disclose this combination.

The Examiner has alleged that the disclosure in Gurstein et al. '588 of heating water in two minutes to 200°F or more is a disclosure of a heat exchanger that would inherently produce 500 watts of power. However, there is no disclosure in the Gurstein et al. '588 patent to determine whether the heat exchanger in Gurstein et al. '588 would inherently supply 500 watts of power. For example, there is no disclosure in Gurstein et al. '588 as to whether the fluid being

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heated is stationary or whether it is flowing at any particular rate. There is no disclosure in Gurstein et al. '588 as to the quantity of water which is heated in two minutes to 200°F or more. Certainly one could heat a thimble full of water to 200°F within two minutes with a very low wattage heater. Thus, there is no enabling disclosure in Gurstein et al. '588 of a heating element which would inherently supply at least about 500 watts of power from an ordinary 120 volt line. Further, there is no disclosure in Gurstein et al. '588 that a common 120 volt line can be used for the heating element. Thus, Examiner's speculation about the power wattage introduced by the heating element in Gurstein et al. '588 appears to be inaccurate or speculative at best.

Claim 19 depends from claim 17 and is believed to distinguish over the alleged combination of Trautloff et al. '509 and Gurstein et al. '588 in the same manner as claim 17.

Claim 20 is another independent claim, similar to claim 17 which calls for the electrical heating element to continuously supply up to about 10,000 jewels of energy to the heat storage body in about 30 seconds or less. The Examiner makes the same argument about the alleged combination of Trautloff et al. '509 and Gurstein et al. '588 as he made with respect to claim 17. It is believed that the Examiner's analysis with respect to claim 20 is just as faulty as it is for claim 17. There is no enabling disclosure in either of the Trautloff et al. '509 or the Gurstein et al. '588 patent which would teach one skilled in the art that at least 10,000 jewels of energy is supplied by the electrical heating element to the heat storage body in about 30 seconds or less in the alleged combination. Further, there is no enabling disclosure in the alleged combination of Gurstein et al. '588 and Trautloff et al. '509 that the electrical heating element and the vacuum source are connected to a common electrical input and are both adapted to be powered by a common 120 volt source in the alleged combination. Thus, it is believed that claim 20 patentably distinguishes over the alleged combination of Trautloff et al. '509 and Gurstein et al. '588.

Claim 21 depends from claim 20 and defines over the alleged combination of Trautloff et al. '509 and Gurstein et al. '588 in the same manner as claim 20.

Claims 22, 24, 25, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nauta U.S. Patent No. 4,142,270 in view of the Gurstein et al. '588 patent. This rejection is respectfully traversed.

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The alleged combination of Gurstein et al. '588 and Nauta '270 is traversed. There is no basis for making the alleged combination.

As a matter of fact, Gurstein et al. '588 teaches against the combination. Gurstein teaches in column 1, lines 29-41 the danger and undesirability of using an emersion heater in an extraction machine. The Nauta '270 patent discloses a wet/dry vacuum cleaner which is said to possibly have an electrical heating element to heat the liquid in the container 14. Nauta further discloses that the power required for this emersion heater must be limited to 600 watts maximum as only a limited amount of power may be drawn from the standard 120 volt domestic supply.

The invention in Gurstein et al. '588 seeks to avoid the potential problems of the emersion heaters disclosed in Nauta '270 by providing a separate heat exchanger which is spaced from the extraction machine and between the extraction machine and a spray nozzle. Thus, the alleged combination of Gurstein et al. '588 and Nauta '270 is inappropriate.

However, even if the alleged combination of Nauta '270 and Gurstein et al. '588 were to be made, however untenably, it still would not reach Applicants' claimed invention. Claim 22 has been cancelled and claims 24, 25, and 26 have been amended to be dependent on new claim 31. Claim 31 defines over the alleged combination of Nauta '270 and Gurstein et al. '588 in calling for a heat exchanger associated with the fluid supply conduit for heating the cleaning fluid in the fluid supply conduit to be applied to surface to be cleaned. The alleged combination of Nauta '270 and Gurstein et al. '588 would place the Gurstein et al. '588 heat exchanger in the Nauta '270 solution tank. Even if one were to place the Gurstein et al. '588 heat exchanger in line between the solution tank in Nauta '270 and the fluid distributor, it still would not reach Applicants' claimed invention because there is no disclosure that the heating element in the alleged combination and the heat storage body in the alleged combination are designed to heat the cleaning fluid in the fluid supply conduit to a temperature of at least 130° degrees when the cleaning fluid flows through the fluid supply conduit intermittently at a predetermined rate. Further, the alleged combination would not disclose a heating element and vacuum source which are connected to a common electrical input and are adapted to be powered by a common 120 volt line in the event that the Gurstein '588 heat exchanger is placed inline between the Nauta wet/dry

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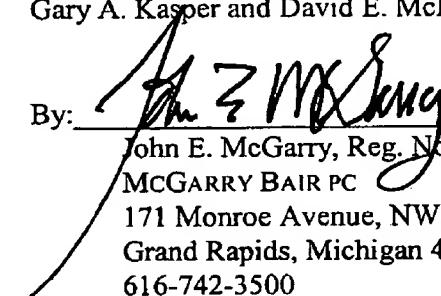
vacuum cleaner and an undisclosed spray nozzle. The alleged combination would require separate electrical sources for the heat exchanger and for the wet/dry cleaner. Thus, it is believed that claim 31 as well as the claims dependent therefrom patently define over any alleged combination of Nauta '270 and Gurstein et al. '588.

In view of the foregoing, it is submitted that all of the claims in the application are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

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